

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-27	
)		
R.T. TANAKA ENGINEERS, INC. and)		
Kirk Tadao Tanaka))
)		
Respondents.)		
_____)		

CONCILIATION AGREEMENT

On or around June 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, R.T. Tanaka Engineers, Inc. and Kirk Tadao Tanaka ("Tanaka"). Business Registration Division records list Kirk Tadao Tanaka as president of Tanaka whose purpose is consulting engineering and surveying. Business address is 871 Kolu Street, Suite 201, Wailuku, Hawaii.

The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Tanaka and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around June 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of Ben Cayetano ("Cayetano") campaign committee and various candidate committees, initiated an investigation involving excess contributions in violation of particular campaign finance statutes.
 - 2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
4. The Commission finds that Tanaka made contributions to various candidates in excess of \$30,000 between 1997 and 2002.
5. The Commission finds that Tanaka and officers made \$11,000 in contributions to the Cayetano campaign committee for the 1998 election period as follows:

5/97	Robert T. Tanaka	\$4,000
	Kirk Tanaka	\$4,000
8/98	R.T. Tanaka, Inc.	\$1,000
10/98	R.T. Tanaka, Inc.	\$2,000
6. That Tanaka filed a proper organizational report, pursuant to section 11-194, HRS.
7. That Tanaka filed required disclosure reports, pursuant to section 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-27, Tanaka understands and agrees to the following:

- (A) Tanaka agrees to an assessment of **One Thousand Dollars (\$1,000)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204, HRS, making excess campaign contributions to the Cayetano campaign committee,

(B) Tanaka agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Tanaka on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Kirk T. Tanaka

By: _____

(Name)

(Title)

Date: _____